

## REMARKS

In the final Office Action of November 16, 2007, the Examiner rejected claims 1, 2, 5, 6, 9, 11-14, and 33-38. In response, Applicants have amended the claims to more clearly distinguish embodiments of the present invention. Based on the above amendments and following remarks, Applicants request reconsideration of the Application.

### Rejection Under 35 U.S.C. §112

On page 2 of the final Office Action, the Examiner rejected claims 1, 2, 5, 6, 9, 11-14, and 33-38 as "being indefinite for failing to particular point out and distinctly claim the subject matter which applicant regards as the invention." Specifically, the Examiner thought it was unclear how the configuration of the compound provides the claimed sustained-release properties, and what constitutes a geometric configuration of the composition that has any effect on a path to any object. It should be pointed out that the Examiner had not previously found the term "geometric feature" indefinite.

In response, Applicants are clarifying both the compound and the geometric feature in independent claims 1, 36, and 37. Specifically, the claims have been amended to read "sustained-release compound." As discussed in the specification, "[b]y including the sustained-released compound, the insect repelling component will be discharged from the resin over an extended period of time. In one embodiment, the insect repelling resin product is able to maintain a repelling effect for approximately ten years." (see [0055]). Some examples of this sustained-release compound comprise sulfa derivative, sulfonic ester derivative, carboxylic amide derivative, and carboxylate ester derivative. (see [0055]). As such, it is not the configuration of the compound, as suggested by the Examiner, that provides the

claimed sustained-release properties, but the sustained release compound, itself, that provides the sustained-release properties.

Regarding the geometric feature, independent claims 1 and 36 have been amended to be directed to a geometric feature that is shaped to conform about at least one object to be protected. As shown, by way of example, the geometric feature may comprise a main body having a hollow center (see FIG. 1 and 2), an elongated U-shaped body (see FIG. 3, 4-6), a spiral body (see FIG. 7 and 8), a C-shaped body (see FIG. 9), or an elastic strip (see FIG. 10 and 11). All of these geometric features allow the composition to be deformed and applied to a path on which insects may travel by surrounding or conforming about the object to be protected. For example, the cylindrical body or spiral body may surround one or more cables or wires, or the U-shaped element may be positioned along a border of a container to protect content within the container (see FIG. 13).

Further on page 2, the Examiner found "one-way piece" of claim 14 to be unclear. However, the specification clearly defines and illustrates the meaning of "one-way piece." As shown in FIG. 11, the one-way piece (42) comprises an arrow shape. This one-way piece allows fastening by insertion into a hole. "[T]he elastic one-way piece 42 is compressed to fit through the hole. Once the elastic one-way piece 42 extends beyond the hole, each side of the arrow shape will expand to its original shape, thus anchoring the insect repelling resin product 40." (see [0052]).

Based on the amendments and/or reasoning provided above, Applicants believe the rejections under 35 U.S.C. §112 are overcome.

### Rejection Under 35 U.S.C. §102

#### *Matsushita* does not teach elastic deformation, installation, or spiral shapes

On page 2 of the Office Action, the Examiner rejected claims 1, 2, 5, 9, 13, 33-35, 37, and 38 as being anticipated by JP9007757 to Matsushita (hereinafter "*Matsushita*"). Applicants traverse.

Independent claim 1 provides a geometric feature configured to be "elastically deformable for installation along a path on which insects may travel and shaped to conform about at least one object to be protected." For example, during "installation of the insect repelling product... the main body is deformed and inserted into the aperture." (see [0036]). In a further example, "[u]pon elastic deformation" of the elongated U-shaped insect repelling product of FIG. 3, "the edge portion of the object will thereby be fitted into the groove portion." (see [0039]). As such, "the insect repelling resin product of the present invention is deformable into various shapes, and thereby can be properly applied [or installed] no matter how a shape of an attachment portion changes." (see [0058]).

In contrast, embodiments of *Matsushita* do not contemplate elastic deformation or installation of the insect repelling product. Instead, *Matsushita* is directed to a mixture that is coated onto a surface of an object. Specifically, *Matsushita* teaches coating an insulating holder, on a circuit board, electric parts mounted on the circuit board, or electric wire. Installation is defined as placing in position. A coating is not installed about an object to be protected, but is a layer of a substance spread over a surface of the object. As such, the mixture of *Matsushita* is not elastically deformed for installation about the object to be protected.

For at least these reasons, independent claim 1 is not anticipated by *Matsushita*. Claims 2, 5, 9, 13, and 33-35 depend from claim 1 and are therefore not anticipated for at least the same reasons as those of claim 1.

With respect to claim 37, the claim recites in part, “a geometric feature formed of the insect repelling composition, wherein the geometric feature is a spiral shape configured to bundle a plurality of objects.” For example, as shown in FIG. 12, a spiral shaped insect repelling composition (10) bundles a plurality of wires (102).

As discussed above, *Matsushita* only teaches application of a mixture as a coating to be applied to a surface of an object. The coating cannot bundle a plurality of objects. Therefore, *Matsushita* does not anticipate independent claim 37 or it's dependency, claim 38.

*Naoki* does not teach a resin composition, deformation, or installation

On page 3, the Examiner rejected claim 1 as being anticipated by JP 02020094 to *Naoki* (hereinafter “*Naoki*”). Applicants traverse.

As discussed above, claim 1 is directed to a geometric feature configured to be “elastically deformable for installation along a path on which insects may travel and shaped to conform about at least one object to be protected.” Furthermore, the geometric feature is made of an insect repelling composition including resin.

*Naoki* is directed to a vermin resistant ink which may be printed onto a board, and a vermin repellant paint applied to a surface of the board after printing. In both cases, the ink or paint is applied to a surface of an object. There is no elastic deformation or installation of a insect repelling resin product about the object.

In fact, the ink or paint of *Naoki* does not comprise resin. The only discussion of resin in *Naoki* is in the composition of the board, itself. Specifically, a “Cu foil circuit is formed on laminated plates of glass fabric base material and copper lined epoxy resin...” The ink is just ink mixed with vermin repellant, and the paint is just paint mixed with vermin repellant.

For at least the above reasons, claim 1 is not anticipated by *Naoki*.

### Rejection Under 35 U.S.C. §102 or §103

On page 3, the Examiner rejected claims 6, 9, 12, 13, and 33-38 as being anticipated by or, in the alternative, obvious over U.S. Patent No. 4,879,117 to Rombi (hereinafter "*Rombi*"). Furthermore, the Examiner states that no patentable weight is given to the instant "mixed with resin." Applicants traverse.

As discussed above with respect to independent claim 1, the cited references do not teach or suggest an insect repelling composition which is made of a mixture of a resin, an insect repelling component, and a sustained-release compound whereby the composition is formed into a geometric feature. The addition of *Rombi*, does not cure the deficiencies of the cited references nor does *Rombi* teach this composition.

Applicants also strongly traverse Examiner's contention that there is no "objective evidence of criticality, nonobvious or unexpected results that the administration of the particular ingredients' or concentrations provides any greater or different level of prior art expectation as claimed." The mixing of the resin, insect repelling component, and sustained-release compound into a single composition allows for "shape, size, and longevity of the insect repelling resin product [that] allows for economical implementation of the insect repelling resin product in pre-existing or small objects." "Additionally, the small size of the insect repelling resin product allows for the implementation of the product in pre-existing objects without having to redesign or modify these objects." (see [0013]).

According to exemplary embodiments, the composition comprises the resin, an insect repelling component, and a sustained-release compound combined or mixed together to produce a composition that is elastically deformable for installation about an object to be protect. Merely having an insect repelling component and a sustained-release compound without resin mixed in would not

result in a composition that is structured or elastically deformable. As such, Applicants contend that patentable weight should be applied to "mixed with resin" as an elastically deformable composition as claimed in claims 1, 36, and 37 requires the mixing or integration of the resin with the insect repelling component and the sustained-release compound.

Furthermore, the elastic deformability of the composition allows the insect repelling product to be "properly applied no matter how a shape of an attachment portion changes. For example, ... when the insect repelling resin product according to the embodiment of FIG. 7 is attached to a trunk of a young tree, the insect repelling resin product changes its shape so that its diameter widens according to a change of the tree's trunk diameter due to the growth of the young tree, and thereby the insect repelling effect can be maintained for a long period of time." (see [0058]). Therefore, the mixing to form the composition is critical to embodiments of the present Application.

*Rombi* teaches an inner element that comprises an insecticide. This inner element is then encased by a polymer casing. The casing acts as a diffuser for the insecticide whereby the insecticide migrates through links in the polymer. The inner element is "an internal support strip which can be compared with a sponge" that is impregnated with the insecticide (col. 2, lines 7-16). As such, *Rombi* is directed to a multi-piece product comprising a non-elastically deformable resin casing that is separate from an insecticide portion that is merely a sponge impregnated with insecticide.

*Rombi* does not teach a single element insect repelling composition which is made of a mixture of a resin, an insect repelling component, and a sustained-release compound formed into a geometric feature whereby the geometric feature is configured to be elastically deformable over an extended period of time. For at least these reasons *Rombi* does not anticipate or render obvious claims 6, 9, 12, 13, and 33-35 which depend from claim 1 or independent claim 36 of the present Application.

With respect to independent claim 37 and dependent claim 38, claim 37 recites in part, "a geometric feature formed of the insect repelling composition, wherein the geometric feature is a spiral shape configured to bundle a plurality of objects." For example, as shown in FIG. 12, a spiral shaped insect repelling composition (10) bundles a plurality of wires (102). The spiral shape allows the installation of the insect repelling product to an object without any fasteners or extra components.

In contrast, *Rombi* teaches a collar to be applied about a neck of an animal. The collar is not a spiral shape nor is the collar configured to bundle a plurality of objects (i.e., animals). Furthermore, the application of the collar requires multiple components for fastening the collar about the animal. Therefore, claims 37 and 38 are not anticipated or obvious in view of *Rombi*.

#### Non-Statutory Double Patenting Rejection

On page 4, the Examiner rejected claims 1-3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-8 and 17 of U.S. Patent Application No. 11/112,067.

In response, Applicants are concurrently submitting a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the double patenting rejection. The present application and the conflicting patent application are commonly owned. As such, the double patenting rejection of claims 1-3 is overcome.

### Conclusion

Based on the foregoing remarks, Applicants believe the rejections to the claims have been overcome, and that the present Application is in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,

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